

UNITED STATES DISTRICT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

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1:24-cv-396

Hala Y. Jarbou
Chief U.S. District Judge

PLAINTIFF – COURTNEY THOMAS

V

DEFENDANTS – KALAMAZOO PUBLIC SAFETY

- OFFICER JORDAN JACOB
- OFFICER ERIC ZAPATA
- DAVID BOYSEN

JURISDICTION

This Court has jurisdiction over all causes of action set forth in this complaint, as all Plaintiff and defendants reside and operate in this district. Furthermore, all significant and relevant incidents that gave rise to this suit took place in Kalamazoo, Mi, county of Kalamazoo within the jurisdiction of the Court.

COMPLAINT

Complaint for action against the Defendants for violation of Michigan Penal Code Act 328 of 1931 section 110a and U.S. code section 929 -Art. 129 Burglary ;and unlawful entry.

Fourth Amendment- Unreasonable Search and Seizure. 42 U.S.C § 1983
Michigan Penal code Act 328 of 1931 section 110 (5) Home invasion in the first degree is a felony punishable by imprisonment for not more than 20 years or a fine not more than \$5,000 or both.

Complaint against Defendants for violation of Michigan penal Code Act 328 of 1931 section 110

An110. (1) A person who breaks and enters, with intent to commit a felony or a larceny therein, a tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, structure, boat, ship, shipping container, or railroad car is guilty of a felony punishable by imprisonment for not more than 10 years.

(2) A person who breaks and enters a dwelling with intent to commit a felony, larceny, or assault in the dwelling, a person who enters a dwelling without permission with intent to commit a felony, larceny, or assault in the dwelling, or a person who breaks and enters a dwelling or enters a dwelling without permission and, at any time while he or she is entering, present in, or exiting the dwelling, commits a felony, larceny, or assault is guilty of home invasion in the first degree if at any time while the person is entering, present in, or exiting the dwelling either of the following circumstances exists: (a) The person is armed with a dangerous weapon.

FACTUAL BASIS

On Friday December 8th, 2023 approximately 10:00p.m. Kalamazoo Public safety was called to 1112 Summit St. in Kalamazoo, Mi 49006 from Latavia Buchanan in her attempt to get into a house.

Upon arrival to the residents, KPS made contact with the 911 caller LaTavia Buchanan. The caller LaTavia Buchanan advised the 911 operator and the Officers who arrived on the scene she did not legally live at the residence.

The officers were unable to contact the owner of the residents, KPS Officers noticed one of the windows open, Officers suggested to LaTavia to climb through the window with the assistance of KPS help.

KPS Officers helped LaTavia climb through the window at a residents that wasn't their residence. Once inside LaTavia opened the door for the Officers.

CAUSE OF ACTION

Cause of action against the named defendants for violation of section 929 of the U. S. Code

Art. 129. Burglary; unlawful entry

(a)

Burglary.—

Any person subject to this chapter who, with intent to commit an offense under this chapter, breaks and enters the building or structure of another shall be punished as a court-martial may direct.

(b)

Unlawful Entry.—

Any person subject to this chapter who unlawfully enters—

(1)

the real property of another; or

(2)

the personal property of another which amounts to a structure usually used for habitation or storage;
shall be punished as a court-martial may direct.

Cause of action against the named Defendants for violation of Michigan penal Code Act 328 of 1931 110 when Defendants suggested to LaTavia Buchanan to climb through the

window and open the door for the Defendants. People ex rel. Latraverse v. Jackson, 284 A.D. 822 (1954)

Cause of action against the named defendants for violation of plaintiff's Fourth Amendment Rights. As plaintiff didn't give Defendants permission to enter his residence. Entick v Carrington [1762] EWHC KB J98

Cause of action against the named defendants for violation of Plaintiff 's Fourth Amendment Rights secured by the Constitution to be secure in his person, house, papers, and effects against unreasonable searches and seizures. Michigan Dept. of State Police v. Sitz 496 U.S. 444 (1990)

DAMAGES

Plaintiff request relief from named Defendants in the amount of 20,000 USD for actual damages and tort damages, resulting from the actions of Defendants violations of laws named in this complaint, U.S. code 28 U.S.C. recovery of damages because the Defendants are liable. Will V. Michigan Dept. of State Police 491 U.S. 58 (1989).

Plaintiff request relief from named defendants in the amount of 20,000 USD for damages for violation of the underlined laws and rights set forth by the Constitution. Michigan penal Code act 328 of 1931 section 110 (5) Home invasion in the first degree is a felony punishable by imprisonment for not more than 20 years of a fine not more than 5,000 or both.

Plaintiff request relief from the named Defendants in the amount of 20,000 USD to the Plaintiff for Defendants willfully violation of plaintiff 4th Amendment Rights and Plaintiff Michigan Constitutional Rights. 42 U.S.C. § 1983 . People V Armstrong 247 Mch. App. 423 (Mich. Ct.app.2001)



Courtney Thomas

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